

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re: DONALD ABEBE,)	Chapter 7
)	
Debtor.)	Case No. 12-31384-HJB
)	
MARY LUZ RIVERA)	
Plaintiff,)	
)	Adversary Proceeding No. 12-03054
v.)	
DONALD ABEBE)	
Defendant)	
)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Mary Luz Rivera, the plaintiff in this Adversary Proceeding, pursuant to Fed R. Bankr. P. 7056 and Fed. R. Civ. P. 56, hereby moves this Court grant her summary judgment on her claim that the debt of Donald Abebe, for his illegal act of retaliation in violation of M.G.L. c. 186, § 18 is not dischargeable pursuant to 11 U.S.C. §523(a)(6). As grounds for this motion, the plaintiff states that there is no genuine issue as to any material fact and that she is entitled to judgment as a matter of law that the debt arose from the willful and malicious injury by the debtor to Ms. Rivera, and that as a result of the judgment rendered by the Worcester Housing Court in an action by Ms. Rivera against Mr. Abebe, he is estopped from denying that his debt arose from willful and malicious injury as set out more fully in plaintiff's accompanying memorandum.

In support of her motion for summary judgment, Ms. Rivera submits the accompanying memorandum of law, statement of material facts pursuant to Local Rule 56.1 and MLRB 1056-1, the Affidavit of Thomas Zito with accompanying exhibits and the Affidavit of Mary Luz Rivera

with accompanying exhibits. As set forth in her Complaint Objecting to Discharge, Ms. Rivera seeks a declaration that Debtor, Donald Abebe's debt to her, in the amount of \$1,500.00 plus costs and reasonable attorney's fee, for his illegal retaliatory acts against Ms. Rivera, is not dischargeable because it was the result of a "willful and malicious injury" and not dischargeable pursuant to 11 U.S.C. § 523(a)(6).

Respectfully submitted,
MARY LUZ RIVERA
By her attorney,

/s/ Thomas P. Zito
Thomas P. Zito
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Date: May 24, 2013

CERTIFICATE OF SERVICE

I, Thomas Zito, state that on May 24, 2013, I served the forgoing document by first class mail on the Defendant, Donald Abebe at the following address:

Donald Abebe
168 Marion Street
Springfield, MA 01109

I also sent a copy of this document by email to the following email address:
mrdonaldabebe@gmail.com

Dated: May 24, 2013

/s/ Thomas P. Zito
Thomas P. Zito